1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 SARA JOHNSON.) Plaintiff, 10 Case No. C09-1464-RAJ-MAT 11 REPORT AND v. RECOMMENDATION MICHAEL ASTRUE, Commissioner of the Social Security Administration, 13 Defendant. 14 Plaintiff Sara Johnson brought this action to seek judicial review of the denial of her 15 application for Disability Insurance Benefits by the Commissioner of the Social Security 16 Administration. The parties have now stipulated that this case should be reversed and remanded 17 pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. 19.) 18 Based on the stipulation of the parties, the Court recommends that this case be 19 **REVERSED** and **REMANDED** for further administrative proceedings. 20 stipulated that, on remand, the case will be reassigned to a local Administrative Law Judge (ALJ), 21 and that the ALJ will: address the opinion offered by the State agency physician; further evaluate 22 plaintiff's left shoulder impairment at step two and determine if the impairment existed prior to 23 March 2002; consider plaintiff's obesity in combination with her other impairments and determine

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The parties have

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whether a listing is equaled or met; reassess plaintiff's residual functional capacity to include limitations from all impairments; obtain medical expert testimony to assist in determining the severity of plaintiff's impairments; and, if warranted by the expanded record, obtain supplemental vocational expert testimony to assist in determining what jobs exist for plaintiff in significant numbers in the national economy. The parties further stipulate that, upon proper application, plaintiff is entitled to reasonable attorney fees, expenses, and costs pursuant to 28 U.S.C. § 2412.

Given the above, the Court recommends that United States District Judge Richard A. Jones immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED** for further administrative proceedings. A proposed order accompanies this Report and Recommendation.

DATED this 8th day of June, 2010.

/s/ Mary Alice Theiler

MARY ALICE THEILER
United States Magistrate Judge